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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,475	11/15/2001	Werner Philomena Theophiel Camps	WSP:201 US	9458
24041	7590	12/30/2005		
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			EXAMINER GROSSO, HARRY A	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,475

Applicant(s)

CAMPB, WERNER PHILOMENA
THEOPHIEL

Examiner

Harry A. Grosso

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-21 and 23-41 is/are pending in the application.
- 4a) Of the above claim(s) 27 and 29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 is/are allowed.
- 6) ☒ Claim(s) 19-2123 is/are rejected.
- 7) ☒ Claim(s) 25,26,28,36 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 and 05 May 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. This is in response to your correspondence of February 14, 2005 pointing out that independent claim 39 was not addressed in the Office Action of November 8, 2004. The amendment filed on February 14, 2005 has been entered and is addressed in this action.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the attachment in proximity of two lower ends of a U-shaped pocket (claim 21) and the bar biased away from the bottom wall by elastic pulling downwardly on the bar (claim 28) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 35 and 37 objected to because of the following informalities: Claim 35 recites, beginning in line two, "a holding element (22) extending substantially in the transverse portion (21) extending between said holding elements (22)." The intent of this phrase is unclear as it appears a word or words may have been omitted.

5. Claim 37 cites the reference character "(13)" in the second line. It is believed this should be "(21)".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 recites the limitation "the transverse portion". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 21, 23, 24, 32-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grundell (3,779,393) in view of the admitted prior art of Figure 1 of the application.

10. Regarding claim 21, Grundell discloses a U-shaped pocket (1, Figures 1-4) of a flexible material (cardboard) with a bottom and sidewalls, a transverse wall (21) connecting the sidewalls and an attachment (15) in proximity of the lower ends of the pocket. The attachment would have some weight resulting in a downward tensioning force and would stabilize the pocket and keep it open during loading.

Grundell discloses the means for suspending the pocket in a support frame (9, 11) but does not teach a support frame for the pocket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a support frame as disclosed in admitted prior art Figure 1 to support U-shaped pockets.

11. Regarding claims 23 and 24, the attachment disclosed by Grundell would have a weight and the weight would provide the tensioning force on the pocket.

12. Regarding claim 32, Grundell discloses a holding element (19a, 19b) on a sidewall in an interior of the pocket.

13. Regarding claims 33 -35, Grundell discloses a U-shaped pocket (1, Figures 1-4) of a flexible material with a bottom and sidewalls, a transverse wall (21) connecting the sidewalls and an attachment (15) in proximity of the lower ends of the pocket. The attachment would have some weight resulting in a downward tensioning force and would stabilize the pocket and keep it open during loading. The transverse portion (21) extends between the sidewalls and connects to holding elements (19a, 19b, Figures 2-4) on both of the sidewalls.

Grundell discloses the means for suspending the pocket in a support frame (9, 11) but does not teach a support frame for the pocket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a support frame as disclosed in admitted prior art Figure 1 to support U-shaped pockets.

14. Regarding claim 37, Grundell discloses the holding elements and the transverse portion are made in one piece and the material would have some level of elasticity.

15. Claims 19, 20, 30, 31, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitts (4,400,107) in view of the admitted prior art of Figure 1 of the application.

16. Regarding claims 39 and 40, Pitts discloses a flexible U-shaped pocket (10, Figure 1, column 2, lines 41-46) with an attachment (30) exterior to the pocket and below the pocket that would stabilize the pocket and provide a downward tensioning force by virtue of its weight.

Pitts discloses the means for suspending the pocket in a support frame (11-14) but does not teach a support frame for the pocket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a support frame as disclosed in admitted prior art Figure 1 to support U-shaped pockets.

17. Regarding claim 19, the apparatus of claim 39 is disclosed and the downward tensioning force of element (30) in conjunction with element (20) would be sufficient to keep the pocket open during loading.

18. Regarding claim 20, the apparatus of claim 39 is disclosed and the attachment is mounted in the proximity and below a lateral loading opening.

19. Regarding claims 30 and 31, the apparatus of claim 39 is disclosed and Pitts further discloses in another embodiment (Figures 4) the use of an elastic transverse portion (41) extending between the sidewalls to limit the amount the pocket can open. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of an elastic transverse portion as disclosed by the embodiment in Figure 4 in the embodiment of Figure 1 of Pitt to limit the amount the pocket can open.

Allowable Subject Matter

20. Claim 38 is allowed.

21. Claims 25, 26, 28, 36 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

22. Applicant's arguments with respect to all of the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

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